

Message Text

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TO SECSTATE WASHDC 9172

INFO AMEMBASSY DACCA

AMEMBASSY COLOMBO

AMEMBASSY KATHMANDU

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY ISLAMABAD

CINCPAC

AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL MADRAS

C O N F I D E N T I A L SECTION 1 OF 2 NEW DELHI 15621

CINCPAC FOR POLAD

EO 11652: GDS

TAGS: PINT, IN

SUBJ: PARLIAMENT BEGINS DEBATE ON THE CONSTITUTIONAL AMENDMENTS

REF: NEW DELHI 15522

SUMMARY: WITHIN MINUTES OF THE OPENING OF THE LOK SABHA'S SPECIAL SESSION ON OCTOBER 25 TO CONSIDER THE 44TH CONSTITUTION (AMENDMENT) BILL, THE CPM JOINED THE FOUR NON-COMMUNIST OPPOSITION PARTIES IN BOYCOTTING THE SESSION. THE CPM USED A GOVERNMENT MOTION ON PROCEDURAL MATTERS AS A PRETEXT FOR DECLARING THAT PARLIAMENT HAD LOST ITS MANDATE TO PASS THE BILL, PRESENTED A LIST OF CONDITIONS UNDER WHICH IT WOULD AGREE TO PARTICIPATE IN THE DEBATE, AND WITHOUT WAITING FOR
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A REPLY THE CPM MEMBERS PROMPTLY WALKED OUT. AFTER LAW

MINISTER GOKHALE FORMALLY INTRODUCED THE BILL, CPI AND DMK SPOKESMAN OFFERED THEIR PARTIES' VIEWS ON THE BILL (GENERALLY CRITICAL), WHILE CONGRESS MP'S TOOK TURNS IN PRAISING THE LEGISLATION AS VITAL FOR THE SUCCESS OF THE "SOCIO-ECONOMIC REVOLUTION." THE OPENING DEBATE WAS NOTEWORTHY FOR THE VEHEMENCE AND DETAIL WITH WHICH OPPOSITION AND INDEPENDENT MP'S ATTACKED THE EXCESSES OF THE FAMILY PLANNING PROGRAM--GOING EVEN TO THE POINT OF CITING SPECIFIC INSTANCES OF VIOLENCE. THE CURIOUSLY WELL-ORCHESTRATED APPEAL BY FOUR PCC'S PAST WEEK FOR A CONSTITUENT ASSEMBLY IS NOW BEING REGARDED AS A TRIAL BALLOON WHICH WAS QUICKLY SHOT DOWN BY MRS GANDHI. NONETHELESS, SOME SORT OF PROPOSAL TO PROLONG THE DEBATE ON THE BILL (AND THERE BY POSTPONE ELECTIONS) IS STILL IN THE WIND, AND THE PRIME MINISTER MAY KEEP IT FLOATING AS ONE OF THE OPTIONS SHE IS HOLDING IN HER HAND. END SUMMARY.

1. AN EMBOFF ATTENDED THE CONVENING OF THE SPECIAL SESSION OF THE LOK SABHA ON OCTOBER 25 FOR THE CONSIDERATION OF THE 44TH CONSTITUTION (AMENDMENT) BILL. BARELY HAD THE SESSION OPENED WHEN THE CPM DRAMATICALLY FOLLOWED THE FOUR NON-COMMUNIST OPPOSITION PARTIES (CONGRESS(O), JAN SANGH, SOCIALIST PARTY AND BLD) IN BOYCOTTING THE SESSION. THE MINISTER FOR PARLIAMENTARY AFFAIRS INTRODUCED A MOTION THAT IN VIEW OF THE SPECIAL NATURE OF THE SESSION, NORMAL PROCEDURES SUCH AS THE QUESTION HOUR, THE INTRODUCTION OF PRIVATE MEMBERS' BUSINESS, AND EVEN THE NORMAL LUNCH BREAK SHOULD BE SUSPENDED. HE ADDED THAT IF TIME PERMITTED TOWARD THE END (BUT ONLY AFTER THE BILL HAD BEEN PASSED) THERE WOULD BE AN OPPORTUNITY FOR CONDUCTING OTHER BUSINESS. AT THIS, SEVERAL INDEPENDENT AND OPPOSITION MP'S SPRANG UP TO VOICE OBJECTIONS. ONE, RAMAVTAR SHASTRI (CPI), CLAIMED THAT OTHER URGENT MATTERS REQUIRED ATTENTION: THE INDIAN AIRLINES CRASH IN BOMBAY, THE MINE DISASTER IN BIHAR, AND PARTICULARLY THE EXCESSES OF THE FAMILY PLANNING PROGRAM. SPEAKING OVER THE SHOUTS OF CONGRESS MP'S, SHASTRI DEMANDED A GOVERNMENT EXPLANATION OF THE SHOOTING OF 40 PEOPLE IN MUZAFFARNAGAR IN U.P. DURING A RIOT OVER FAMILY PLANNING. MUSLIM LEAGUE MP FROM KERALA, E.S. SAIT, ASKED

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A SIMILAR QUESTION ABOUT FAMILY PLANNING. FINALLY, CPM LEADER SAMAR MUKHERJEE WAS ALLOWED TO READ A STATEMENT ON BEHALF OF HIS PARTY. HE REPEATED THE LITANY THAT THERE HAD NOT BEEN A NATIONAL DEBATE ON THE BILL, THAT THE CURRENT LOK SABHA HAD LOST ITS MANDATE TO PASS SUCH LEGISLATION, AND THEN LISTED THE CONDITIONS UNDER WHICH THE BILL SHOULD BE CONSIDERED: THE EMERGENCY SHOULD BE LIFTED, PRESS CENSORSHIP ENDED, MISA AND DIR TERMINATED, AND POLITICAL PRISONERS

(EXPECIALLY DETAINED MP'S) RELEASED. (NOTE: THIS LIST CLOSELY PARALLELS THE DEMANDS SPELLED OUT BY THE FOUR NON-COMMUNIST OPPOSSZION PARTIES IN THEIR JOINT APPROACH.) WITHOUT WAITING FOR A REPLY FROM THE GOVERNMENT BENCHES, MUKHERJEE AND HIS CPM COLLEAGUES (ABOUT 25) WALKED OUT OF THE HOUSE.

2. PERENNIAL GADFLY S.A. SHAMIM (INDEPENDENT FROM SRINAGAR BUT CLOSELY ASSOCIATED WITH SHEIKH ABDULLAH) SUPPORTED THE GOVERNMENT'S CONTENTION THAT THE CURRENT SESSION WAS INDEED "SPECIAL"--EVEN EXTRAORDINARY GIVEN THE RAMIFICATIONS OF THE PROPOSALS--AND AGREED THAT THE HOUSE SHOULD DEVOTE ITS FULL ATTENTION TO THE BILL AND TO NO OTHER BUSINESS. HE ALSO MADE CLEAR HIS INTENTION TO OPPOSE THE SUBSTANCE OF THE AMENDMENTS FORCEFULLY. FINALLY, CPI LEADER INDRAJIT GUPTA SPOKE IN GENERAL TERMS OF THE NEED TO MAKE SOME PROGRESSIVE CHANGES IN THE CONSITUION, VOICED HIS PARTY'S OPPOSITION TO SEVERAL PROPOSALS AND APPEALED FOR AN END TO CENSORSHIP OJIPARLIAMENTARY PROCEEDINGS. HE REMARKED ON THE SURPRISINGLY FREE PRESS COVERAGE DURING THE PAST TWO WEEKS OF SEMINARS AND ASSEMBLIES CONDUCTED BY OPPONENTS OF THE BILL AND ASKED RHETORICALLY IF HIS REMARKM WOULD BEOXIVENSGGIWAR TREATMENT. WHEN GUPTA FUNISHED, THE CPI STAYED IN PLACE AND THE GOVERNMENT'S MOTION THAT THE SESSION BE DEVOTED EXCLUSIVELY TO CONSIDERATION OF THE BILL WAS ADOPTED WITH A LOUD ROAR FROM THE CONGRESS BENCHES.

3. WIZH THE PROCEDURAL QUESTIONS OVER, LAW MINISTER GOKHALE'S INTRODUCTION AND JUSTIFICATION OF THE BILL FOLLOWED THE CHAPTER AND VERSE OF GOI STATEMENTS FOR THE LAST TWO MONTHS. CPI LEADER GUPTA TMHEN DELIVERED HIS PARTY'S SUBSTANTIVE REMARKS ON THE BILL: THE
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DESIGNATION OF INDIA AS A "SOCIALIST" REPUBLIC WAS LAUDABLE, BUT MEANINGLESS AS LONG AS PROPERTY REMAINED AMONG THE FUNDAMENTAL RIGHTS. MOST PARTICULARLY, HE ATTACKED THE PROVISION BANNING "ANTI-NATIONAL" ASSOCIATIONS AS A DIRECT THREAT TO THE LABOR UNIONS AND CITED THE DIFFICULTIES WHICH THE AITUC (THE CPI-AFFILIATED UNION) HAD ENCOUNTERED IN HOLDING IT ANNUAL CONFERENCE IN JAMSHEDPUR THE PREVIOUS WEEK.

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-02

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FM AMEMBASSY NEW DELHI

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INFO AMEMBASSY ISLAMABAD

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CINCPAC FOR POLAD

4. AFTER A LONG AND PERFUNCTORY HOMAGE TO THE BILL BY A CONGRESS MP, DMK LEADER ERA SEZHIYAN TOOK THE FLOOR TO ARGUE FOR WELL OVER AN HOUR THAT : (1) A NATIONAL DEBATE HAD NOT TAKEN PLACE; (2) THE CURRENT PARLIAMENT HAD NO MANDATE TO CONSIDER THE BILL; AND (3) A REFERENDUM SHOULD BE HELD ON A MATTER OF SUCH IMPORTANCE. IN SUPPORT OF HIS FIRST ARGUMEN, HE POINTED TO THE IMPOSSIBLE CONDITIONS WHICH HAD BEEN IMPOSED BY LOCAL POLICE AUTHORITIES ON THE HOLDING OF A MEETING IN MADRAS IN MID-SEPTEMBER TO DEBATE THE BILL ON BEHALF OF THE GROUP "CITIZENS FOR DEMOCRACY." FINALLY, WITH TIME RUNNING OUT, SEZHIYAN CONCLUDED HIS REMARKS WITH THE APPEAL THAT THE BILL NOT BE CONSIDERED UNDER PRESENT CIRCUMSTANCES AND SAID THAT THE DMK SHARED THE SENTI-
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MENTS OF THE FOUR OPPOSITION PARTIES AND CPM, BUT WOULD REMAIN IN THE HOUSE. HE ASSERTED THA THE AMENDMENTS WOULD SHIFT THE BALANCE OF POWER TO THE EXECUTIVE AND WOULD "INSTITUTIONALIZE AND CONSTITUTIONALIZE" THE EMERGENCY. HE SAID: "I KNOW THAT MY TIME IS RUNNING OUT AND I FEAR THAT TIME IS RUNNING OUT FOR INDIAN DEMOCRACY AS WELL."

5. COMMENT: WITH THE CPI AND DMK NOW HAVING MADE THEIR OPENING SUBSTANTIVE STATEMENTS, IT IS LIKELY THAT THE NEXT TWO DAYS OF DEBATE WILL BE RESTRICTED TO LOYAL EXCLAMATIONS OF PRAISE OF THE BILL HY CONGRESS MP'S AND CRITICAL STATEMENTS BY THE FEW INDEPENDENT AND MINOR PARTY MP'S LEFT IN THE HOUSE. BY THURSDAY, AN EXAMINATION OF THE BILL PROVISION BY PROVISION WILL BEGIN, BY WHCIH TIME THE CPI, DMK AND INDEPENDENTS ARE LIKELY TO SHARPEN THEIR SWORDS AGAIN.

6. THE CPM WALKOUT WAS NOT A SURPRISE, SINCE WE HAD HEARD PREVIOUSLY THAT THE CPM HAD AGREED WITH THE FOUR OPPOSITION PARTIES TO BOYCOTT ANY SITTING OF THE HOUSE AS LONG AS THE BILL ITSELF WAS UNDER DEBATE. WHAT WE DO FIND SURPRISING, HOWEVER, WAS THE VEHEMENCE AND DETAIL WITH WHICH MP'S AMONG CPI, CPM, MUSLIM LEAGUE AND INDEPENDENT RANKS ATTACKED THE EXCESSES OF THE FAMILY PLANNING PROGRAM-- GOING EVEN TO THE POINT OF CITING SPECIFIC INSTANCES, SUCH AS THE ALLEGED KILLINGS IN MUZAFFARNAGAR.

7. THE CURIOUSLY WELL-ORCHESTRATED APPEAL LAST WEEK BY FOUR STATE PCC'S FOR THE CONVENING OF A CONSTITUENT ASSEMBLY AND/OR MORE TIME TO CONSIDER THE 44TH CONSTITUTION (AMENDMENT) BILL IS NOW BEING REGARDED BY OUR DIPLOMATIC AND MP CONTACTS AS A KIND OF TRIAL BALLOON. SOME SPECULATE THAT SANJAY MAY HAVE INSTIGATED THE MOVEMENT IN AN ATTEMPT TO DELAY ELECTIONS NEXT YEAR (WHICH HE IS BELIEVED TO OPPOSE). IN ANY EVENT, THE TRIAL BALLOON (IF IT INDEED WAS THAT) WAS APPARENTLY SHOT DOWN BY MRS GANDHI OVER THE WEEKEND. ADDRESSING THE CONGRESS PARLIAMENTARY PARTY (I.E. MP'S) ON SATURDAY AND AGAIN IN A SPEECH IN AJMER ON SUNDAY, CONFIDENTIAL

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SHE EMPHASIZED HER CONTENTION HAT THE CURRENT PARLIAMENT WAS MANDATED TO AMEND THE CONSTITUTION, THAT THERE HAD BEEN A "NATIONAL DEBATE" ON THE BILL AND THAT THERE WAS NO NEED TO CONVENE A SPECIAL CONSTITUENT ASSEMBLY. A MP WHO WAS PRESENT AT THE MEETING SAID THAT SHE TOLD CONGRESS MP'S THAT SHE WANTED THE BILL TO BE PASSED BY THIS SPECIAL SESSION AND IF THEY

WANTED TO TAKE A FEW EXTRA DAYS BEYOND THE ANNOUNCED END OF THE SESSION (NOVEMBER 2) TO FULLY DEBATE THE BILL, THAT WAS FINE WITH HER. DURING THE DEBATE CPI LEADER INDRAJIT GUPTA WAS QUICK TO ALLEGE THE INTENT OF THIS TRIAL BALLOON, CLAIMING THAT IT REPRESENTED AN ATTEMPT TO POSTPONE GENERAL ELECTIONS. HE ROUNDLY CONDEMNED THE MOVE, SAYING THAT THE CPI DESIRED ELECTIONS AS SOON AS POSSIBLE.

8. WHATEVER THE CASE MAY BE, IT SEEMS THAT MRS. GANDHI IS KEEPING HER OPTIONS OPEN JUST IN CASE. CONGRESS MP M.C. DAGA MOVED THAT THE BILL BE REFERRED TO A "JOINT SELECT COMMITTEE" OF THE TWO HOUSES FOR FURTHER AND MORE DETAILED CONSIDERATION. WHILE THIS MOTION DID NOT ATTRACT A GREAT DEAL OF INTEREST DURING THE FIRST DAY'S DEBATE, IT HAS BEEN INSCRIBED ON THE AGENDA FOR FURTHER CONSIDERATION IN THE COMING DAYS. SOME OPPOSITION MEMBERS QUICKLY CONDEMNED THE MOTION AS A DELAYING TACTIC TO FURTHER POSTPONE ELECTIONS. SCHNEIDER

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